



PATENT
ATTORNEY DOCKET NO.: 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:)
Dario C. ALTIERI *et al.*)
Application No.: 10/042,302) Group Art Unit: 1636
Filed: January 11, 2002) Examiner: not yet assigned
FOR: DETECTION OF SURVIVIN IN THE)
BIOLOGICAL FLUIDS OF CANCER)
PATIENTS)

Commissioner for Patents
U.S. Patent and Trademark Office
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Arlington, VA 22202

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Preliminary Amendment.
2. Additional papers enclosed:

- Information Disclosure Statement
- Form PTO-1449, copies of ____ references
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Drawings: Formal Informal (Correction)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	410.00	205.00
<input type="checkbox"/> three months	930.00	465.00
<input type="checkbox"/> four months	1,450.00	725.00
<input type="checkbox"/> five months	1,970.00	985.00

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$0.00

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED (SMALL ENTITY)						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	31	minus	31	0	x \$18.00 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	5	minus	5	0	x \$84 each=	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for ___ Month Extension of Time						\$ 0.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- No fee is to be paid at this time.
- The Director is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: July 24, 2003
 Morgan Lewis & Bockius LLP
 Customer No. **09629**
 1111 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004
 Tel. No.: 202-739-3000
 SPT:mk

By:


 Sally P. Teng, Ph.D.
 Registration No. 45,397
 Tel. No.: (202) 739-5734
 Fax No.: (202) 739-3001